

## **REMARKS**

### **Formal Matters**

Claims 1-11 and 13-20 are pending after entry of the amendments set forth herein.

Claims 1-20 were examined. Claims 1-16 were rejected. Claims 17-20 were allowed. Claims 9 and 12 were objected to but were indicated to contain allowable subject matter.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

### **The Office Action**

#### **Claims Rejected Under 35 U.S.C. Section 112, Second Paragraph**

In the Official Action of July 10, 2008, claims 1-16 were rejected under 35 U.S.C. Section 112, second paragraph, as being vague. Specifically with regard to claim 1, the Examiner asserted that the recitation of “the resistive material being inert to conditions used to bind the probe to the pad” was confusing. In response thereto, Applicants have deleted this phrase from the claim.

Likewise, the Examiner asserted that the term “preferentially” in claim 1 was confusing. In response thereto, Applicants have deleted this word from claim 1.

Regarding paragraph (b) of claim 1, the Examiner indicated that the metal ions seem to have no relationship to the detection of target. In response thereto, Applicants have amended paragraph (b) of claim 1 to clarify that the metal is deposited between the first and second electrodes where the target is present. It is respectfully submitted that this establishes a relationship between the metal ions and the detection of target.

Claim 8 has been amended to delete the phrase “the resistive material being inert to conditions used to bind the probe to the pad”.

In view of the above amendment and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-16 under 35 U.S.C. Section 112, second paragraph, as being vague, as being no longer appropriate.

**Claims Rejected Under 35 U.S.C. Section 103(a) (Park et al. as evidenced by Fluke and in view of Eggers et al.)**

Claims 1-5, 7-8, 10-11 and 13-14 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630.

The Examiner asserted that until the nature of the resistive pad can be clarified, the resistive material in Park et al. is considered to read on the resistive pad of the claimed instant invention. Claim 1 has been amended above to further include the recitations of claim 12, which the Examiner indicated to contain allowable subject matter.

Claim 8 has been amended to incorporate the recitations of claim 12 and claim 12 has been canceled.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-5, 7-8, 10-11 and 13-14 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630, as being inappropriate.

**Claim Rejected Under 35 U.S.C. Section 103(a) (Park et al. as evidenced by Fluke and in view of Eggers et al. and Cheung)**

Claim 6 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630, as applied to claims above, and further in view of Cheung, U.S. Patent No. 5,132,242.

Without acquiescing to the above ground of rejection, Applicants respectfully submit that claim 6 is patentable over the combined teachings of Park et al., Fluke, and Eggers et al. for at least the same reasons provided above with regard to claim 1, since claim 6 depends from claim 1. It is further respectfully submitted that the deficiencies in the combined teachings of Park et al., Fluke and Eggers et al. in meeting all of the recitations of claim 1, as noted above, are not cured by the teachings of Cheung.

In view of the above remarks, the Examiner is respectfully requested to reconsider and withdraw

the rejection of 6 under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630, as applied to claims above, and further in view of Cheung, U.S. Patent No. 5,132,242., as being clearly inappropriate.

**Claim Rejected Under 35 U.S.C. Section 103(a) (Park et al. as evidenced by Fluke and in view of Eggers et al. and Sandstrom)**

Claim 15 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630, as applied to claims above, and further in view of Sandstrom, U.S. Patent No. 6,545,758.

Without acquiescing to the above ground of rejection, Applicants respectfully submit that claim 15 is patentable over the combined teachings of Park et al., Fluke and Eggers et al. for at least the same reasons provided above with regard to claim 8, since claim 15 depends from claim 8. It is further respectfully submitted that the deficiencies in the combined teachings of Park et al., Fluke and Eggers et al. in meeting all of the recitations of claim 8, as noted above, are not cured by the teachings of Sandstrom.

In view of the above remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of 15 under 35 U.S.C. Section 103(a) as being unpatentable over Park et al. (Science, 2002) as evidenced by Fluke Corporation (Fluke Model 187 & 189 True RMS Multimeter Users Manual, 2000) and in view of Eggers et al., U.S. Patent No. 5,891,630, as applied to claims above, and further in view of Sandstrom, U.S. Patent No. 6,545,758, as being clearly inappropriate.

**Claims Objected To**

Claims 9 and 12 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. As noted above, the recitations of claim 12 have been incorporated into claim 8 and claim 12 has been canceled. Accordingly, the Examiner is respectfully requested to indicate the allowance of claims 8-11 and 13-15 in the next Official Action.

**Allowed Claims**

Applicants wish to convey their thanks to the Examiner for the allowance of claims 17-20.

**Conclusion**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 408-736-3554.

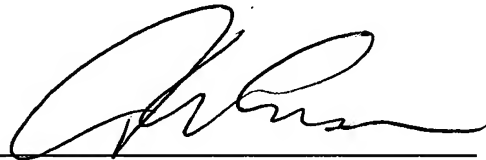
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10031347-01.

Respectfully submitted,

Date: \_\_\_\_\_

9/16/08

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